

1  
2  
3  
4  
5  
6  
7 SAKEENAH MCCULLOUGH, et al.,  
8 Plaintiffs,  
9 v.  
10 XEROX CORPORATION,  
11 Defendant.

Case No. 13-cv-04596-HSG

**ORDER TO SHOW CAUSE**

Re: Dkt. Nos. 27, 67, 75, 76

12 On April 11, 2014, Judge White issued an order denying Defendant's motion to sever  
13 under Federal Rule of Civil Procedure 21. Dkt. No. 27. That motion was fully and substantively  
14 briefed by the parties. Dkt. Nos. 16, 21, 24. In his order, Judge White found that Plaintiffs had  
15 satisfied the prerequisites for permissive joinder under Federal Rule of Civil Procedure 20, and  
16 that Defendant would "not be prejudiced by having Plaintiffs' claims tried together." Order at 3.  
17 On February 13, 2015, the case was reassigned to this Court. On April 30, 2015, the Court held a  
18 hearing on Defendant's motions for summary judgment and conducted its first case management  
19 conference with the parties at the same time. Dkt. No. 67. At that hearing, defense counsel said  
20 she planned to file a motion to sever, but did not reference Judge White's earlier ruling, and  
21 neither party has acknowledged that ruling in their subsequent filings regarding the timing of the  
22 proposed severance briefing.

23 Having reviewed the docket, Judge White's order, and the parties' briefing, it appears to  
24 the Court that Defendant essentially plans to seek reconsideration of the April 2014 order. If that  
25 is the case, Defendant must follow the procedures outlined in Civil Local Rule 7-9, including  
26 establishing good cause for the Court to grant leave to file the motion. Defendant is advised that  
27 the Court will look with substantial disfavor on any effort to file a duplicative motion relitigating  
28 the already-decided severance issues. Moreover, based on the Court's ruling on the summary

1 judgment motions, Plaintiffs' claims have even more in common than they did when the April  
2 2014 order issued. All that remains to be decided at trial are Plaintiffs' racial discrimination  
3 claims, which are based on the same statutes, rely on similar facts, and will involve a number of  
4 the same witnesses.

5 Accordingly, Defendant is ORDERED to SHOW CAUSE by 5:00 p.m. on Thursday,  
6 October 15, 2015 why any proposed renewed motion to sever is not a motion for reconsideration  
7 of Judge White's April 11, 2014 Order subject to the requirements of Civil Local Rule 7-9.  
8 Defendant's filing may not exceed three pages in length.

9 **IT IS SO ORDERED.**

10 Dated: 10/9/2015

11  
12   
13 HAYWOOD S. GILLIAM, JR.  
14 United States District Judge

United States District Court  
Northern District of California